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May 17, 1996

VIA OVERNIGHT DELIVERY

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222,
Washington, D.C. 20554

RE: CC Docket No. 96-98

Enclosed for filing with the Commission are an original and 17 copies of the Further Comments of GVNW Inc./Management in CC Docket No. 96-98. Please return one stamped copy in the enclosed envelope.

Sincerely,

Robert C. Schoonmaker
Vice President

C: Janice Myles
International Transcription Services, Inc.,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local Competition	)	
Provisions in the Telecommunications Act	)	CC Docket No. 96-98
of 1996	)	

COMMENTS OF GVNW INC./MANAGEMENT

TABLE OF CONTENTS

SUMMARY

GVNW is a consulting firm representing small independent local exchange carriers (ILECs) from a number of states. Issues of major concern upon which we further comment include the following:

a. The Commission should not require LECs utilize a particular method to exchange information with an interconnector. Providing information regarding business policies would compromise the LECs competitive position.

b. The LEC should not be required to notify the interconnector of the potential impact of the changes on the interconnector's network operation. The LEC would be exposed to liability risks.

c. The FCC should only address technical information on an exception basis. To require every small ILEC to file technical information would add to the ILEC costs.

d. Dialing parity should be implemented just as InterLATA Equal Access was accomplished. This will prevent uneconomic network upgrades where there is no demand.

e. Rules to prevent "slamming" in the local exchange should be implemented by the FCC.

f. Any requirement the FCC implements regarding rights-of-way must allow for the terms of the existing easements or franchises under which the right-of-way was obtained and the laws governing the use of, and compensation for the use of property, in the locality or state.

g. The integrity of the network should not be sacrificed to allow competition. The ILEC should be able to set minimum training and proficiency standards for all personnel working on the ILEC's right-of-way, and require that competitors produce proof of that training.

GVNW Inc./Management (GVNW) is a consulting firm representing small incumbent local exchange companies (ILECs). The following are Further Comments of GVNW with respect to the Commission's Notice of Proposed Rulemaking (NPRM) in the above referenced docket as it pertains to Dialing Parity, Notice of Technical Changes and Access to Rights of Way.

NPRM Paragraph 189. "Any information in the LEC's possession that affects the interconnector's performance or ability to provide service" is far too broad a requirement for the LEC. Such a requirement might expose the LEC to unintended liability for giving information that the LEC is not qualified to provide.

The LEC should be required to provide only the information that affects the interoperability of the LEC and the interconnector, and only that relevant to the LEC's network at the interconnect point. The LEC is not in a position to know what information would affect the internal operation of the interconnector's network. The LEC is only expert in the interfaces at the interconnection point(s), and only in the LEC's side of the interconnect point. Information required of the LEC should not include basic specifications of how the LEC reaches the interconnect point in its internal network, or any opinion or statement concerning how the specifications might affect the interconnector's internal network or operations. If the LEC is required to provide information concerning operation of the competitor's network beyond the interface, or information concerning any equipment in the interconnector's internal network, the LEC might be held liable for results of decisions that the interconnector made based on this information. This would expose the LEC to unacceptable liability risks.

Information required of the LEC should only include references to technical specifications or LEC technical policies that affect the interconnect point. This would include specifications on transmission, signaling, routing, and facility assignment. An example of a technical specification would be the minimum loop current that the ILEC switch would accept, or the ILEC switch ringing voltage. Technical policies would include such information as trunk selection sequence (high, low, most idle, etc.).

In providing the required information, the LEC will often reference industry standards, such as the Bellcore LATA Switching System Generic Reference (LSSGR) or various Bellcore, REA (RUS), or other publications. The LEC should not be required to furnish copies of this information, as this would violate copyright laws dealing with the unauthorized reproduction of copyrighted material. It should be the responsibility of the interconnector to obtain and understand all technical reference documents.

The LEC should not be required to give information regarding its business policies that would compromise the LECs competitive position. For example, LEC policies regarding sales and financial dealing with customers should not be included in the requirements of this section. The interconnector can obtain financial arrangements, terms and conditions for dealing with the LEC from the LEC's tariffs.

The FCC should not require that LECs utilize a particular method to exchange information with an interconnector. In our comments in CC Docket 96-98 at NPRM Paragraph 57, we discuss the differences in small and large LEC Operations and Support Systems (OSSs). Assignment information is often exchanged between large LECs and such current interconnectors as IXCs on a mechanized basis. Small ILECs do not have these mechanized

OSSs. If the FCC requires all LECs to utilize a particular method to exchange information based on the large ILEC networks, the small ILECs will be required to deploy costly OSS systems to meet the requirements. This will add significantly to the cost of the network, and thus to the price of service to customers and competitors.

NPRM Paragraph 190. We agree that the LEC should be required to provide the date, locations, and type of technical changes proposed. The date is, of course, subject to change based on LEC workload and priorities. For example, a test date might have to be slipped if the LEC was required to utilize its personnel to repair network outages. The LEC could notify the interconnector of changes.

The LEC should not be required to notify the interconnector of the potential impact of the changes on the interconnector's network operation. In our comments at NPRM Paragraph 189, we discuss that the LEC is not in position to know how the interconnector's network operates, so the LEC cannot address the impact of changes the LEC proposes on the interconnector's network. For example, when the LEC changes a trunk side interconnect arrangement from inband to SS7 signaling, the LEC could address what information would be passed across the interface, and the technical standards that would be adhered to. However, the LEC cannot address how this change would affect such items as post dial delay within the interconnector's network.

If the LEC were required to provide information regarding impact of changes on the interconnector's network, the LEC would be exposed to liability risks. In addition, if the FCC requires that the LEC address the impact of changes to the interconnector's network, the FCC would be requiring the LEC to provide engineering and consulting services to the interconnector.

NPRM Paragraph 191. Technical information should be passed between LECs and interconnectors on a case by case basis as required. Overall network standards can be addressed in forums such as the Network Operations Forum, however, the FCC must recognize that only the RBOCs and very large LECs, such as GTE, actively participate in these forums. The small LECs do not have the personnel resources to participate in these forums. To require such participation would cause the small ILECs to add personnel, and thus cost, only to meet the requirement of participation. The FCC should not specify any particular method to interchange technical information, but should only require that information be provided. Should this prove inadequate, this can be fine tuned at a later date.

To require every small ILEC to file technical information with the commission would add to the ILECs costs, and be burdensome to the FCC. The FCC should only address technical information exchange on an exception basis where a party complains to the FCC that the required information is not being timely provided.

NPRM Paragraph 192. In formulating regulations in this section, the FCC needs to be aware that the interval from the "make/buy" decision to in-service for small LECs is often less than 12 months. For example, the change from MF to SS7 can be made in as little as 18 weeks for a small LEC with a limited number of switches. The FCC should not require the LEC to implement technology on a slower pace than is technically feasible only to satisfy a notification requirement.

In addition, based on small LEC experience with communication with IXCs during conversion to Equal Access, there have been very few problems with GVNW client companies

exchanging information with the IXCs in a timely manner. The only concern of many IXCs is that the small ILECs cannot provide mechanized interfaces to the systems the IXCs use to interface with the RBOCs. The reasons for this are discussed in our comments on Docket 96-98 at NPRM Paragraph 57. The small LECs and the IXCs have reached a mutually satisfactory arrangement for timely information exchange during the Equal Access conversion. This experience indicates that there may be no need for any regulations in this area.

NPRM Paragraph 194. Security and proprietary information issues can be addressed by requiring the LEC to provide only the information required at the interface, and to reference all technical information to industry and manufacturer's specifications that are generally available in the industry. For example, the LEC can provide reference to the Bellcore specifications that apply to the interconnection arrangements, as these are published documents widely available in the industry.

The LEC should not be required to provide information regarding specific location of plant except under protection of strict non-disclosure agreements. Such information can compromise the LEC's competitive position. In addition, the location of key plant facilities and routing information could be of great value to anyone who would wish to disrupt the network, such as terrorists.

NPRM Paragraph 207. The LEC will have to purchase the Multiple PIC feature, and perhaps a generic software upgrade, to implement dialing parity. There is a cost associated with this feature and switch upgrade. If the FCC orders nationwide compliance by a certain date, the

LECs will be forced to purchase the upgrades, and will add to the cost of the network, increasing prices to customers and competitors. The FCC should allow dialing parity to be implemented just as InterLATA Equal Access was accomplished, using a bona fide request as the basis for introduction. This will prevent uneconomic network upgrades where there was not a demand for dialing parity.

The current multi-PIC feature allows for three jurisdictions. These can be interLATA, intraLATA, and international. Some switches allow the LEC to assign which jurisdictions are assigned to which PIC, and others hard code the choice to the three shown here. Smart PIC, that allows more than three choices, as when a fourth PIC for Interstate intraLATA is needed, will require an additional network upgrade. Again, the FCC should not require this on a nationwide basis or schedule, as this will result in uneconomic network upgrades, added costs for the ILEC, and higher prices to customers and competitors.

NPRM Paragraph 211. We agree with AT&T[1] that a requirement for number portability between local service providers would require a database solution. Currently, switches cannot economically perform 10 digit translation of all telephone numbers due to the complexity of number and routing administration. The use of call forwarding methods is a stopgap measure at best, and has many severe limitations. However, the implementation of a database solution will require significant network upgrade costs. The FCC should not require number portability on a nationwide basis, but only in those areas where there is a significant demand. The FCC must

[1] AT&T Submission, March 18, 1996, "Local Number Portability"

balance the increased cost of the network, and higher prices to all customers and competitors against the desire to implement competition as rapidly as possible.

NPRM Paragraph 213. The FCC should implement rules that prevent "slamming" in the local exchange market. These rules, complaint procedures, and penalties, should be a required part of any customer education or customer notification regulations. The FCC should also require that all interconnectors obtain Letters of Authorization from customers prior to initiating any request to change the local service provider. Requirements here should be similar to the requirements for Interexchange Carriers.

NPRM Paragraph 216. Most small ILECs do not provide their own operator service. They contract for operator service from another LEC or an IXC. The FCC should not require those ILECs that do not provide their own operator service to provide operator services to interconnectors. The interconnector should make its own arrangements with an operator service provider. The ILEC would then transport the interconnector's traffic to the operator service provider. The ILEC should not be required to resell operator services.

Operator service interconnections are much more complex than those required for 1+ traffic. Such functions as called party supervision and coin collect and return may be required. The FCC should require the small ILEC to connect to an operator service provider, other than the one it contracts with for its own customers, only on a technology permitting basis.

NPRM Paragraph 218. Since, in a competitive environment, multiple carriers are responsible for a particular call, no one carrier can be held responsible for the entire call. Post dial delay in a competitive, multi-provider environment should be defined as "from end of last digit dialed to hand off to another carrier" for the originating company, and "from receipt of call to ringback, busy, or announcement" for the terminating company.

NPRM Paragraph 219 As with Equal Access, LEC's should be permitted to recover all costs directly associated with dialing parity, including the dialing parity (number portability) feature in the switch, administrative costs, such as records updates, and customer notification costs. Recovery should be via a mechanism similar to that for Equal Access, where costs are amortized over a specific period, and fully recovered by the LEC from the cost recovery mechanisms.

NPRM Paragraph 222. In providing access to rights-of-way, the LEC should be allowed to:

a.) Price the access so that the LEC recovers its costs.

b.) Maintain adequate spare for its own use

c.) Prevent any user of the right-of-way from blocking access to any portion of the right-of-way for any other user(s).

d.) Prevent any installations that might injure the LEC's employees or other persons

e.) Prevent any installations that might compromise the integrity or security of the LEC's or other user's networks.

The LEC should establish policies that are applied equally to itself and all other users to control spare space, administer the use of ducts, poles, conduits, and rights-of-way, and provide

for safety and network security. The LEC should be able to maintain as space for its own use at least 10 years growth requirements.

All users should be required to install all facilities on LEC rights-of-way in accordance with the National Electrical Safety Code, National Electrical Code, and any state or local codes. Failure of the user to meet safety codes should be sufficient grounds for the LEC to require immediate remedy. Should the user fail to remedy the infractions in a timely fashion, this should be sufficient cause for the LEC to deny the user any further access, and to require the user to remove existing facilities should the infraction not be timely remedied. National, state, and local codes should be used to determine time intervals required for remedy.

Any requirements that the FCC implements regarding right-of-way must allow for the terms of the existing easements or franchises under which the right-of-way was obtained, and the laws governing the use of, and compensation for the use of, property, in the locality or state. In many areas, public bodies (cites, counties) grant easements for specific uses only. For example, a telephone easement often specifically excludes other uses, such as CATV or electric power. Even if the same party provides two or more of these services, that party must obtain specific easements for each. The FCC cannot require the LEC to illegally allow use of its right-of-way by others who do not also have an easement or franchise. Since many localities see franchise or easement fees as income sources, the FCC must make any requirements on the LEC contingent upon the other party obtaining its own legal easement and paying its own fees to the appropriate jurisdictions.

A similar situation exists when the LEC has facilities and rights-of-way on private property. Many property owners see easements as a source of income. Property owners thus

grant easements to specific parties for specific uses only. Often there are significant terms and conditions, such as replacement of vegetation, or private road improvement, placed on an easement. As with public easement, all FCC requirements on the LEC must be contingent on the interconnector obtaining their own easement. The LEC should be able to require the interconnector to provide a recorded easement as proof that this proper easement has been obtained. Interconnectors should be required to pay property owners for their own easements.

NPRM Paragraph 223. The integrity of the network should never be sacrificed to allow competition. This is unfair to customers, and will ultimately result in the overall failure of local exchange competition should the quality of service degrade significantly. In situations where interconnectors utilize LEC right-of-way, the major threat to network integrity is poorly trained, incompetent personnel working on the premises. The ILEC should be able to set minimum training and proficiency standards for all personnel working on the ILEC's right-of-way, and require that competitors produce proof of that training. Proof could include a certificate indicating adequate completion of an applicable training course at a recognized instructional facility, such as a school offered by the appropriate equipment manufacturer(s). This will not prove burdensome on competitors, as the competitor will require that its employees be trained adequately to operate and maintain its own facilities. Appropriate training and experience are currently criteria for hiring in the telecommunications industry, and should be carried through to all participants in a competitive local exchange environment.

If the ILEC discovers that a competitor's personnel are incompetent, the ILEC should have the right to require that the competitor remove the offending employee(s) from the right-of-

way until competency can be demonstrated. This is currently the established industry practice. Similarly, all competitive LECs should have the same privilege to ask that incompetent personnel be removed from their facilities.

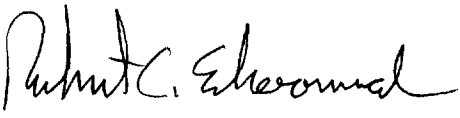
NPRM Paragraph 225. Timing of notices is currently a part of existing pole contact and duct usage agreements between LECs, IXCs, municipalities, and electric power utilities. These differ based on type of facility (duct, pole), and local conditions. For example, notices, and requirements to comply, are often shorter in urban areas than in rural areas, due to the added distances in rural areas. The prevailing local conditions on existing agreements should be used as a guideline. The FCC should become involved only on an exception basis, if the existing arbitration provisions of the 96 Act are not adequate

Existing pole and duct use agreements have terms and conditions regarding the amounts the owner and all users pay for upgrades. Often, changes provided for the owner's requirements are not charged to the users. However, a great portion of cost of changes to accommodate the user's requirements may be charged to the user by the owner. Existing agreements vary in different areas of the country. Often work functions are shared rather than charges being imposed. For example, in some agreements, the power company sets the new pole and transfers its facilities. The telephone company transfers its facilities then remove and disposes of the old pole rather than pay the power company for a portion of the new pole. In other cases, the power company performs all functions, and charges the telephone company a large part of the cost of the new pole. Existing agreements that are working well between the current right-of-way owners should form the basis for new agreements.

The FCC should not impose limitations on the various parties. The FCC should become involved only on an exception basis, if the existing arbitration provisions of the 96 Act are not adequate.

The FCC should not require the LEC to provide a portion of right-of-way obtained from another party, such as the structure owner, to an interconnector. The interconnector should be required to obtain its own agreement with the structure owner. The FCC should require the interconnector to obtain its own agreement with the owner, rather than "sub-lease" space form the LEC. In may cases, the agreement between the owner and lessee specifically forbids such arrangements. Again, the FCC should let local arrangements prevail, and become involved only on an exception basis.

Respectfully Submitted,



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